

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to Figure 4. This sheet, which includes Figure 4, replaces the original sheet including Figure 4.

Attachment: One (1) Replacement Sheet

**REMARKS**

Claims 1-11, 14, 17-18, and 20-21 are pending in the present application. Claims 12-13, 15-16 and 19 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 20 and 21 have been added. Claims 1-7, 9, 11, 14 and 17-18 have been amended. Claims 1, 17 and 18 are independent claims.

**Claim Rejections – 35 U.S.C. §101**

Claim 19 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claim 19 has been cancelled herewith, thus rendering this rejection moot.

**Claim Rejections – 35 U.S.C. §103**

Claims 1-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al. (U.S. Patent Publication No. 2002/0145702) (“Kato”) in view of Frimout et al. (U.S. Patent Publication No. 2005/0174666) (“Frimout”). Reconsideration of these rejections as they may apply to the remaining claims, as amended, is respectfully requested.

First, Applicant agrees with the Examiner’s conclusion that Kato fails, among other things, to particularly teach a reading of a virtual PlayList identifying a download list from a recording medium, the download list designating at least one additional clip downloadable from an external source. However, there are other distinctions between Kato, as well as the other references cited by the Examiner, and the subject matter of the current claims, as amended.

Kato is directed to a method and apparatus for receiving an AV stream from an external source and recording the AV stream on a recordable optical disc. See Kato,

paragraphs [0003] and [0007]. As such, any clips constituting the AV stream are not stored in a local storage, but recorded on (and only on) an optical disc in Kato. See, for example, Kato paragraphs [0139], [0145] and [0150]. There is nothing in the primary reference to suggest that a received clip would be stored in a local storage as expressly recited in each of the independent claims, as amended.

In addition, the PlayList disclosed in Kato is for managing a clip recorded on the recording medium 100. See Kato paragraph [0152]. There is nothing to suggest that Kato teaches or otherwise discloses a PlayList for managing a clip stored in a local storage.

To cure the deficiencies of the primary reference, the Examiner relies upon Frimout as teaching the ability to store management data where the management data is used to initiate and execute a programmed recording of a broadcast program. In paragraph [0008] of the reference, Frimout distinguishes the recording and management data on a storage medium (or in a storage means) as being different from storing the same information on at least one record medium. Also, the secondary reference does not disclose storing a clip or AV stream in a local storage that is not management data. The kind of information that is stored by Frimout in local storage is much different than that identified as being stored on a recordable optical disc in Kato. In contrast to the cited references, the various independent claims presented, as amended, expressly recite the storing of at least one additional clip downloadable from an external source and stored in a local storage that is separate from the optical disc. The differences in the type of data being downloaded cannot be ignored as a mere obvious variation. As compared with management information for preprogramming, the additional clip is used for creation of a PlayList. Thus, the types of data being downloaded and stored in a local storage (as well as how that data is used) is markedly different.

As such, Applicant submits that one of ordinary skill in the art would not combine the teachings of Kato with Frimout as suggested by the Examiner in support of the current rejection under Section 103. As such, Applicant submits that the claims, as currently presented in their amended form, represent allowable subject matter over the art of record.

To the extent that Applicant has not traversed a specific interpretation or application of the reference set forth herein, the Examiner should not consider this as an admission that the Applicant concedes to the correctness of the Examiner's interpretation. Moreover, Applicant reserves the right to traverse or otherwise challenge the Examiner's interpretation of this reference in the future, if necessary.

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**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-11, 14, 17-18 and 20-21 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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